

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RSR CORPORATION, et al.,

Defendants.

CASE NO. C00-890JLR

ORDER

This matter comes before the court on the Government's motion for record review. (Dkt. # 67). Although the Government has requested oral argument, the court finds this motion appropriate for disposition without oral argument.

In this action for recovery of costs under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. §§ 9601-9675, "CERCLA"), the Government's motion requests the following relief:

[T]his court should issue an order that its review of the adequacy of any agency response action in this case will be limited to the administrative record, unless defendants can demonstrate under applicable principles of administrative law that supplementation of the record is appropriate.

Gov't Mot. at 9. The Government's authority for its request is CERCLA itself, which provides that:

In any judicial action under this Act, judicial review of any issues concerning the adequacy of any response action taken or ordered by the

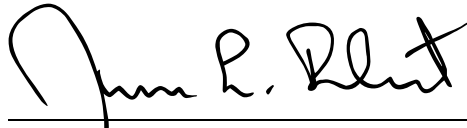
1 President shall be limited to the administrative record. Otherwise applicable  
2 principles of administrative law shall govern whether any supplemental  
materials may be considered by the court.

3 42 U.S.C. § 9613(j)(1). In other words, the Government asks the court to follow the law.<sup>1</sup>

4 The court is uncertain why the Government has filed a motion to request that the  
5 court conform to a federal statute. The court does not find it necessary to grant the  
6 Government's motion to assure the Government that the court will follow the law. As the  
7 court finds no other request for relief in the Government's motion,<sup>2</sup> the court DENIES it.

8 DATED this 9th day of June, 2005.

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JAMES L. ROBART  
United States District Judge

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<sup>1</sup>The Government's motion does not request summary judgment, dismissal, a discovery ruling, or any other form of relief provided in the Federal Rules of Civil Procedure.

<sup>2</sup>The Government notes without evidence or explanation that "Defendants have sought to take discovery outside the scope of the EPA's administrative record" in this action, and claims that it "expects it will soon file motions for protective orders to preclude some of this discovery." Gov't Mot. at 3. The court will address the legal issues involved in this matter when one of the parties brings the issue to its attention in the context of a specific factual situation.